

To the Members of the California State Senate:

I am returning Senate Bill 363 without my signature.

This bill is similar to a measure I vetoed last year and imposes a one-size-fits-all mandate on hospitals to establish a “zero lift policy” requiring teams and the use of equipment to lift patients.

While I do not support this bill’s inflexible mandates and am concerned that by including the provisions in the Labor Code hospitals could be sued under the “sue your boss” law enacted in 2003, I am supportive of the bill’s goals. Some hospitals have already implemented aggressive lift team policies and are experiencing success in reducing workplace injuries.

However, I am puzzled by the exemption this bill grants to rural hospitals. Workplace safety laws are intended to protect all workers in an industry equally, regardless of the geographic location. If the author and proponents have exempted rural hospitals out of concern for the fiscal impact of implementing this bill, my response would be simply that financial constraints are not limited to rural hospitals but are also felt by public and private hospitals throughout California. This is precisely why the flexibility given hospitals in existing law is desirable.

It is also important to note that as a result of extensive negotiations with the federal government, my Administration negotiated an additional \$3 billion for California’s safety net hospitals over the next 5 years. I strongly encourage hospitals to use some of these new funds as well the savings from workers’ compensation reform to pay for education, equipment and additional staff that may be required to comply with the spirit of this measure. If hospitals do not initiate these measures on their own, I will be willing to consider legislation next year that imposes the mandate.

Sincerely,

Arnold Schwarzenegger